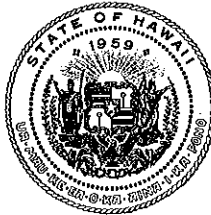
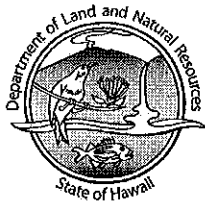


LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 29, 2007

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAIHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, HI 96813

Land Board Members:

**SUBJECT: REQUEST FOR APPROVAL TO ENTER INTO A REBURIAL AGREEMENT
WITH FRC WAIKIKI, LLC FOR THE HUMAN SKELETAL REMAINS
REINTERRED ON THEIR PROPERTY AT WAIKIKI AHUPUA'A, KONA
DISTRICT, ISLAND OF O'AHU AT [TMK (1) 2-6-13: 1,3,4,7,8,9,11,12]**

Submitted for your consideration is a request to enter into a reburial agreement with FRC Waikik, LLC to implement the conditions agreed upon by the landowner and accepted by the State Historic Preservation Division.

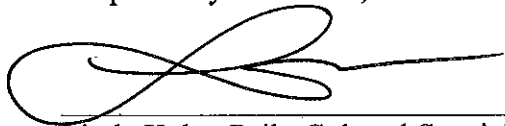
Section 6E-43, and 6E-43.6, Hawaii Revised Statutes, require the State to regulate the proper treatment of human skeletal remains over fifty years old, at any site other than a known, maintained, actively used cemetery. In order to provide perpetual protection for the newly established burial site for the skeletal remains, its location will be recorded in the Bureau of Conveyances together with the attached Reburial Agreement. This Reburial Agreement establishes permanent preservation zone, access rights for lineal and cultural descendants and states that the burial will not be willfully disturbed by the landowner, its successors and assigns.

The office of the Attorney General has conducted a review of the Reburial Agreement and all suggested amendments were incorporated into the attached agreement.

RECOMMENDATION

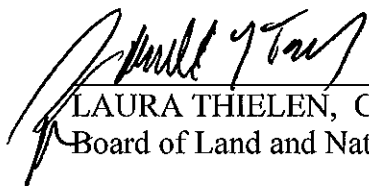
That the Board authorize Chairperson Thielen to execute the attached Reburial Agreement with FRC Waikiki, LLC.

Respectfully submitted,



Linda Kaleo Paik, Cultural Specialist
Historic Preservation Division

APPROVED FOR SUBMITTAL:



LAURA THIELEN, Chairperson
Board of Land and Natural Resources

Return by Mail ☒ Pickup ☐

Case Lombardi & Pettit (DML)
737 Bishop Street, Suite 2600
Honolulu, Hawaii 96813

Total Pages:

Tax Map Key No.: (1) 2-6-013-001, (1) 2-6-013-003, (1) 2-6-013-004, (1) 2-6-013-007, (1) 2-6-013-008, (1) 2-6-013-009, (1) 2-6-013-011, (1) 2-6-013-012

REBURIAL AGREEMENT

REBURIAL AGREEMENT

This Reburial Agreement ("Agreement") dated this _____ day of _____, 2007 is by and between FRC WAIKIKI LLC, a Delaware limited liability company, whose address 19900 MacArthur Blvd., Suite 655, Irvine, California 92612 (hereinafter referred to as "Landowner") and the State of Hawaii (hereinafter referred to as "State") by its Department of Land and Natural Resources whose address is Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Hawaii 96813.

WITNESSETH

WHEREAS Landowner is the owner of land located at Waikiki Ahupua'a, Honolulu (Kona) District, O'ahu, Hawai'i and identified in the tax maps of the State of Hawaii as TMK [1] 2-6-13:1, 3, 4, 7, 8, 9, 11 and 12 (hereinafter referred to as the "Property"); and

WHEREAS, the Landowner plans to develop a condominium project on the Property known as Allure Waikiki (the "Project"); and

WHEREAS the Landowner, for purposes of this Agreement, shall include any successors or assigns, including the future Homeowners Association of the Project ("Association");

WHEREAS the archaeological firm of Cultural Surveys Hawai'i, Inc. prepared a *Burial Disinterment Plan and Report, State Site Numbers 50-80-14-5744-1 and -2, Found During Anti-Crime Street Lighting Improvements Beneath Kalakaua Avenue, Waikiki, Island of Oahu*, dated May 1999, (hereinafter referred to as the "Burial Disinterment Plan and Report"); and

WHEREAS the Burial Disinterment Plan and Report identified two inadvertently discovered burial sites, more particularly identified as State Inventory Historic Properties (SIHP) 50-80-14-5744-1 ("Inadvertent Burial #1) and SIHP 50-80-14-5744-2 (Inadvertent Burial #2) (collectively, "Inadvertent Burial Sites");

WHEREAS the Burial Report states that based upon the available information, including context and the lack of associated artifacts, that it appears the inadvertent burial sites are prehistoric or early historic Native Hawaiians;

WHEREAS Inadvertent Burial #1 was located beneath the *Makai*-most Diamond Head bound land of Kalakaua Avenue in front of 1901 Kalakaua Avenue (currently 7-Eleven Store) within close proximity to the Landowner's Project;

WHEREAS Inadvertent Burial #2 was located at the *Ewa-Makai* corner of Kalakaua Avenue and Ena Road, a meter and half from the curb, across Ena Road, also within close proximity to the Landowner's Project;

WHEREAS Inadvertent Burial Sites are currently held at the State Historic Preservation Division Burials Program facilities at 33 South King Street and The Burials Program indicated that the burial remains would be reburied in the vicinity of where they were found;

WHEREAS the SHPD has requested from the Landowner that the Inadvertent Burial Sites be reinterred on the Project site in a Burial Preservation Site;

WHEREAS the Kaleikini 'Ohana who have been recognized cultural descendants to the to the Previously Identified Burial Sites #1 and #2 on the Project site have also requested from the Landowner that the Inadvertent Burials Sites be reinterred on the Project Site in a Burial Preservation Site;

WHEREAS the Landowner has agreed to establish a Burial Preservation Area adjacent to Burial 1 Preserve Area for future inadvertently discovered human burials remains that may be discovered on the Project site;

WHEREAS the SHPD has agreed to provide a burial vault for the Inadvertent Burials 1 and 2 with sufficient space for any future inadvertently discovered human burial remains that may be discovered on the Project site;

WHEREAS the Landowner has no objection to the Inadvertent Burial Sites being reinterred within the Burial Preservation Area;

WHEREAS, the State pursuant to §6E-43.6 of the Hawaii Revised Statutes, is responsible for regulating the proper treatment of human skeletal remains over fifty years old, at any site other than a known, maintained, actively used cemetery;

WHEREAS the parties desire to enter into this Agreement to reinter the Inadvertent Burials 1 and 2 of ancestral Hawaiians to the Burial Preservation Area

NOW THEREFORE, in consideration of the above and the terms and conditions contained herein, the parties agree as follows:

1. Landowner agrees to allow SHPD to reinter Inadvertent Burials 1 and 2, designated as SIHP 50-80-14-5744-1 and SIHP 50-80-14-5744-2 respectively, within the Burial Preservation Area on the Landowner's Property;

2. Landowner agrees to landscape and maintain the Burial Preservation Area. The Burial Preservation Area shall be established adjacent to Burial 1 Preserve Area which shall be used for the reinterment of inadvertent burial remains which may be encountered during construction of the Project. Subject to coordination and approval between the Landowner and SHPD, the Burial Preservation Area may also be utilized as a reinterment site for inadvertently discovered human remains that may be discovered during construction of roadway improvements fronting the Property.

4. Landowner agrees to provide recognized cultural descendants wishing to visit the Burial Preservation Area with a reasonable right of access. Such right of access shall be subject to the rules and policies of the Landowner, which shall include, but not be limited to reasonable notice prior to visitation, visitation during normal business hours, no cultural or religious ceremonies or events without prior written approval, and indemnification of the Landowner. Said cultural descendants shall park off-site of the Landowner's property or may be subject to any fees assessed for visitors parking onsite.

5. Landowner covenants and agrees to use its best efforts not to disturb in any manner, subject to an Act of God or events beyond the control of the Landowner, the repose of the Inadvertent Burials on Landowner's property, provided that Landowner shall be allowed to maintain and repair said Burial Preservation Area as may be reasonably required from time to time. The obligations imposed by these restrictive covenants shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Property, and shall extend to and be binding upon Landowner, its successors and assigns.

6. In the event Landowner learns that the Inadvertent Burial Sites, or any part thereof, are unearthed by natural causes, Landowner agrees to immediately notify the Department of Land and Natural Resources (DLNR). Landowner agrees not to handle the Inadvertent Burial Sites in any manner. The DLNR, in consultation with recognized cultural descendants, shall take proper action to secure the Inadvertent Burial Sites in place and shall hold Landowner harmless from any liability or claim resulting from or arising out of any damage or injury to the Burial Sites caused by such natural causes.

7. Notwithstanding anything contained herein to the contrary, the Landowner shall have the right to convey the Burial Preservation Area or any portion thereof to the Association,

without the joinder or consent of any party, provided, however, upon a conveyance to the Association, all obligations and liabilities of Landowner shall be assumed, and all rights of the State shall be recognized, by the Association in the declaration creating such Association or in all deeds conveying title to apartments in the Project. If necessary, the State agrees to execute any and all documents required to accomplish this purpose.

[Signatures follow]

IN WITNESS WHEREOF, the State of Hawaii, by its DLNR, has caused the seal of the Department of Land and Natural Resources to be hereunto affixed and the parties hereto have caused this Agreement to be executed as of the day, month and year first above written.

STATE OF HAWAII

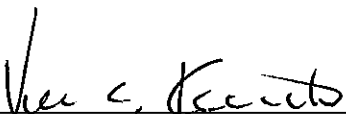
By _____
Name:
Chairperson, Department of Land and
Natural Resources

LANDOWNER

FRC WAIKIKI LLC,
A Delaware limited liability company

By: _____
Name:
Its:

APPROVED AS TO FORM;



Deputy Attorney General

Date: 11/1/07

STATE OF HAWAII)
)
CITY AND COUNTY OF HONOLULU) SS.

On this _____ day of _____, 2007, before me personally appeared _____, to me personally known and/or satisfactorily proved to me to be the person described in and, who, being by me duly sworn, did say that he/she is the _____ of the Department of Land and Natural Resources of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said State of Hawaii, and that said instrument was signed (and sealed) on behalf of said State of Hawaii, and that said _____ acknowledged said instrument to be the free act and deed of the said State of Hawaii.

Notary Public, State of Hawaii

Type or print Name

My Commission Expires: _____

STATE OF _____)
) SS.
COUNTY OF _____)

On this _____ day of _____, 2007, before me personally appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

Notary Public, State of _____
Type or print name: _____
My commission expires: _____

EXHIBIT A

DESCRIPTION OF LAND

All of that certain parcel of land situate at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, described as follows:

-PARCEL FIRST:- (Tax Key (1) 2-6-013-001)

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2789 to W. L. Moehonua and Royal Patent Number 6303, Land Commission Award Number 2081 to Kaoneanea for Loeau) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being LOTS 17 and 18 as laid out by Bruce Waring & Company, and thus bounded and described:

Beginning at a pipe at the westerly corner of this parcel of land, the southerly corner of Pau Lane and along the northeasterly boundary of Lot 21 of Land Court Application 1144 as shown on Map 21, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 9,119.99 feet south and 5,000.18 feet east, and thence running by azimuths measured clockwise from true South:

1.	229°	50'	54.97	feet along Pau Lane to a nail;
2.	230°	07'	100.59	feet along Pau Lane to a "+";
3.	332°	04' 30"	99.47	feet along the southwesterly side of Kalakaua Avenue to a "A";
4.	50°	00'	84.84	feet along Ena Road to an iron pin;
5.	112°	51'	109.37	feet along Lot 21 of Land Court Application 1144 to the point of beginning and containing an area of 11,707 square feet, more or less.

-PARCEL SECOND:- (Tax Key (1) 2-6-013-012)

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2789 to W. L. Moehonua and Royal Patent Number 6303, Land Commission Award Number 2081 to Kaoneanea for Loeau) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being LOTS 15 and 16 as laid out by Bruce Waring & Company, and thus bounded and described:

Beginning at a pipe at the westerly corner of this parcel of land, the southerly corner of Tax Map Key: 2-6-13-9 and along the northeasterly boundary of Lot 21 of Land Court Application 1144 as shown on Map 21, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 9,073.38 feet south and 4,887.66 feet east, thence running by azimuths measured clockwise from true South:

1.	227°	03'	37.63	feet along Tax Map Key 2-6-13-9 to an iron pin;
2.	229°	03'	49.68	feet along Tax Map Key 2-6-13-8 to a pipe;
3.	230°	14'	52.44	feet along Tax Map Key 2-6-13-7 to an iron pin;
4.	332°	17'	49.05	feet along Tax Map Key 2-6-13-7 to a pipe;
5.	332°	13'	52.72	feet along Tax Map Key 2-6-13-11 to a nail;
6.	49°	50'	65.31	feet along Pau Lane to a pipe;
7.	11°	28'	110.52	feet along Lot 21 of Land Court Application 1144 as shown on Map 21 to the point of beginning and containing an area of 10,207 square feet, more or less.

-PARCEL THIRD:- (Tax Key (1) 2-6-013-003)

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2789 to W. L. Moehonua and Royal Patent Number 6303, Land Commission Award Number 2081 to Kaoneanea for Loeau) situate, lying and being off the southwest side of Kalakaua Avenue, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at a 1/2" pipe at the south corner of said land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 9,025.92 feet south and 4,790.32 feet east and thence running by azimuths measured clockwise from true South:

1.	119°	17'	16.74	feet along Land Court Application 1144 to a pipe;
2.	49°	50'	1.84	feet along same to a pipe;
3.	112°	48'	107.12	feet along same to a pipe;
4.	229°	15'	134.00	feet along same to a pipe;
5.	331°	44'	114.40	feet along remainder of Grant 2787 (Lot 5 of Bruce Waring Tract and southwesterly end of Makaoe Lane) to a pipe;

6.	49°	17'	54.00	feet along remainder of Grant 2787 (Lot 14 of Bruce Waring Tract) to the point of beginning and containing an area of 10,469 square feet, more or less.
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Together with an easement for access and utility purposes over, under, along, across and upon Makaoe Lane, area 3,767 square feet, more or less, more particularly described as follows:

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2789 to W. L. Moehonua) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, known as MAKAOE LANE, and thus bounded and described:

Beginning at the south corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 8990.70 feet south and 4831.25 feet east and thence running by azimuths measured clockwise from true South:

1.	151°	44'	15.34	feet;
2.	229°	40'	251.18	feet;
3.	332°	04' 30"	15.36	feet along Kalakaua Avenue;
4.	49°	40'	251.09	feet to the point of beginning and containing an area of 3,767 square feet, more or less.

-PARCEL FOURTH:- (Tax Key (1) 2-6-013-007)

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2789 to W. L. Moehonua) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being a consolidation of the whole of Lots 8, 9, 10 and 12 of the "BRUCE WARING TRACT", and thus bounded and described:

Beginning at the north corner of this parcel of land, on the southwest side of Kalakaua Avenue, being also the north corner of Lot 8 of Bruce Waring Tract, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 8,828.19 feet south and 5,022.64 feet east, and running by azimuths measured clockwise from true South:

1.	332°	04' 30"	152.22	feet along the southwest side of Kalakaua Avenue;
2.	51°	25'	99.97	feet along remainder of Grant 2789 to W. L. Moehonua;
3.	152°	13'	49.00	feet along remainder of Grant 2789 to W. L. Moehonua;

4.	50°	20'	52.50	feet along remainder of Grant 2789 to W. L. Moehonua;
5.	153°	14'	100.00	feet along remainder of Grant 2789 to W. L. Moehonua;
6.	229°	40'	151.03	feet along the southeast side of Makaoe Lane to the point of beginning and containing an area of 19,819 square feet, more or less.

-PARCEL FIFTH:- (Tax Key (1) 2-6-013-008)

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2789 to W. L. Moehonua) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being PORTION OF LOT 13 of the "BRUCE WARING TRACT", and thus bounded and described as per survey of James R. Thompson, Registered Professional Land Surveyor, dated October 28, 1987, to-wit:

Beginning at a spike at the north corner of this parcel of land and on the south side of Makaoe Lane, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 8,925.94 feet south and 4,907.51 feet east and thence running by azimuths measured clockwise from true South;

1.	333°	14'	100.00	feet along Parcel A along the remainder of L. P. Grant 2789 to W. L. Moehonua to a pipe;
2.	49°	03'	49.68	feet along the remainder of L. P. Grant 2789 to W. L. Moehonua to an iron pin;
3.	152°	50' 30"	100.45	feet along the remainder of L. P. Grant 2789 to W. L. Moehonua to a pipe;
4.	229°	44'	50.24	feet along Makaoe Lane to the point of beginning and containing an area of 4,866 square feet, more or less.

-PARCEL SIXTH:- (Tax Key (1) 2-6-013-009)

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2789 to W. L. Moehonua and Royal Patent Number 6303, Land Commission Award Number 2081 to Kaoneanea for Loeau) situate, lying and being off the southwest side of Kalakaua Avenue in Honolulu, State of Hawaii, being LOT 14 of the "BRUCE WARING TRACT", and thus bounded and described:

Beginning at a 1 1/2" pipe at the south corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 9,073.37 feet south and 4,887.67 feet east and thence running by azimuths measured clockwise from true South:

1.	115°	59'	108.30	feet along Land Court Application 1144 to a 1/2" pipe;
2.	229°	17'	54.00	feet to a pipe;
3.	229°	40'	49.86	feet along Makaoe Lane to a pipe;
4.	332°	46'	101.75	feet along remainder of Grant 2789 (Lot 13 of Bruce Waring Tract) to a pipe;
5.	49°	00'	37.30	feet along remainder of Grant 2789 (Lot 16 of Bruce Waring Tract) to the point of beginning and containing an area of 7,010 square feet, more or less.

-AS TO PARCEL SIXTH:-

Together with an easement for access and utility purposes over, under, along, across and upon that certain area of 898 square feet, more or less, as set forth in instrument recorded in Liber 4503 at Page 402.

Together also with an easement for access and utility purposes over, under, along, across and upon Makaoe Lane, area 3,767 square feet, more or less, more particularly described as follows:

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2789 to W. L. Moehonua) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, known as MAKAOE LANE, and thus bounded and described:

Beginning at the south corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 8990.70 feet south and 4831.25 feet east and thence running by azimuths measured clockwise from true South:

1.	151°	44'	15.34	feet;
2.	229°	40'	251.18	feet;
3.	332°	04' 30"	15.36	feet along Kalakaua Avenue;
4.	49°	40'	251.09	feet to the point of beginning and containing an area of 3,767 square feet, more or less.

-PARCEL SEVENTH:- (Tax Key (1) 2-6-013-011)

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2789 to W. L. Moehonua) situate, lying and being on the westerly side of Kalakaua Avenue at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being LOT 11, of the "BRUCE WARING & CO.'S TRACT", (the map thereof not being recorded), and thus bounded and described:

Beginning at the north corner of this parcel of land on the southwest side of Kalakaua Avenue, being also the east corner of Lot 10 of Bruce Waring Tract, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 8,962.68 feet south and 5,093.93 feet east and running by azimuths measured clockwise from true South:

1.	332°	04'	30"	50.09	feet along the southwest side of Kalakaua Avenue;
2.	50°	15'		100.51	feet along the northwest side of Pau Lane;
3.	152°	13'		52.20	feet along remainder of Grant 2789 to W. L. Moehonua;
4.	231°	25'		99.97	feet along Lot 10 of Bruce Waring Tract to the point of beginning and containing an area of 5,027 square feet, more or less.

Together with non-exclusive appurtenant easement for ingress, egress, roadways and pedestrian purposes over Pau Lane recorded June 15, 1989 in Liber 23299 at Page 400.

-PARCEL EIGHTH:- (Tax Key (1) 2-6-013-004)

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2789 to W. L. Moehonua) situate, lying and being at the west corner of Kalakaua Avenue and Makaoe Lane at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being LOTS 1, 2, 3, 4 AND 5 of the "BRUCE WARING & COMPANY TRACT", and thus bounded and described:

Beginning at a "+" cut in concrete sidewalk at the north corner of this parcel of land, being also the east corner of Lot 3-A (Map 7) of Land Court Application 1144 and on the southwest side of Kalakaua Avenue and thence running by azimuths measured clockwise from true South:

1.	332°	04'	30"	100.87	feet along the southwest side of Kalakaua Avenue to a "+" cut in concrete sidewalk;
2.	49°	50'		251.02	feet along the northwest side of Makaoe Lane to an iron pin;

- | | | | | |
|----|------|-----|--------|---|
| 3. | 151° | 44' | 99.00 | feet along old fenceline, along Lot 6 of the Bruce Waring & Company Tract to an iron pin; |
| 4. | 229° | 15' | 99.00 | feet along Lot 3-A (Map 7) of Land Court Application 1144 to an " ← " cut in concrete foundation of fence post; |
| 5. | 229° | 34' | 153.00 | feet along Lot 3-A (Map 7) of Land Court Application 1144 to the point of beginning and containing an area of 24,601 square feet, more or less. |

BEING THE PREMISES ACQUIRED BY LIMITED WARRANTY DEED

GRANTOR: KALAKAUA LAND, L.P., a Delaware limited partnership

GRANTEE: FRC WAIKIKI, LLC, a Delaware limited liability company

DATED: June 9, 2006

RECORDED: Document No. 2006-107052

-PARCEL NINTH:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2789 to W. L. Moehonua) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at the south corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 8990.70 feet south and 4831.25 feet east and thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|------|---------|--------|---|
| 1. | 151° | 44' | 15.34 | feet; |
| 2. | 229° | 40' | 251.18 | feet; |
| 3. | 332° | 04' 30" | 15.36 | feet along Kalakaua Avenue; |
| 4. | 49° | 40' | 251.09 | feet to the point of beginning and containing an area of 3,767 square feet, more or less. |

Said above described parcel of land having been acquired by FRC WAIKIKI, LLC, a Delaware limited liability company, as follows:

1. By DEED of CALVERT J. T. CHUN, husband of Emily Michiko Chun, CEDRIC J. K. CHUN, husband of Pamela Leong Chun, and CALVERT JAN TIM CHUN, as Successor Trustee under that certain unrecorded Trust Agreement known as the Henry Chun Irrevocable Trust dated December 14, 1994, recorded July 5, 2006 in the Bureau of

Conveyances of the State of Hawaii (the "Bureau") as Document No. 2006-123513; and

2. By QUITCLAIM DEED of CALVERT J. T. CHUN, husband of Emily Michiko Chun, CEDRIC J. K. CHUN, husband of Pamela Leong Chun, and CALVERT JAN TIM CHUN, as Successor Trustee under that certain unrecorded Trust Agreement known as the Henry Chun Irrevocable Trust dated December 14, 1994, recorded July 5, 2006 in the Bureau as Document No. 2006-123514.

-PARCEL TENTH:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2789 to W. L. Moehonua and a portion of Royal Patent Number 6303, Land Commission Award Number 2081 to Kaoneanea for Loeau) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being also a portion of Bruce Waring Tract (unrecorded), known as PAU LANE, and thus bounded and described:

Beginning at the southerly corner of this parcel of land, on the northeasterly boundary of Lot 21 of Land Court Application as shown on Map 21, the true azimuth and distance from the east corner of Lot 21 of Land Court Application 1144 as shown on Map 21 being 112° 51' 00" 109.37 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 9,119.99 feet south and 5,005.18 feet east, as shown on Division of Land Survey and Acquisition Parcel Map File No. 16-11-3-143, and running by azimuths measured clockwise from true South:

1.	112°	51'	15.33	feet along Lot 21 of Land Court Application 1144 as shown on Map 21;
2.	111°	28'	0.58	feet along Lot 21 of Land Court Application 1144 as shown on Map 21;
3.	229°	50'	65.31	feet along remainders of R.P. 6303, L.C. Award 2081 to Kaoneanea for Loeau and Grant 2789 to W. L. Moehonua (Lots 16 and 15 of the Bruce Waring Tract);
4.	230°	15'	100.51	feet along remainders of R.P. 6303, L.C. Award 2081 to Kaoneanea for Loeau and Grant 2789 to W. L. Moehonua (Lots 16 and 15 of the Bruce Waring Tract);
5.	332°	04' 30"	14.27	feet along the southwesterly side of Kalakaua Avenue;
6.	50°	07'	100.59	feet along remainders of R.P. 6303, L.C. Award 2081 to Kaoneanea for

Loeau and Grant 2789 to W. L. Moehonua (Lot 17 of the Bruce Waring Tract);

7. 49° 50' 54.97

feet along remainders of R.P. 6303, L. C. Award 2081 to Kaoneanea for Loeau and Grant 2789 to W. L. Moehonua (Lot 17 of the Bruce Waring Tract) to the point of beginning and containing an area of 2,268 square feet, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR: CALVERT J. T. CHUN, husband of Emily Michiko Chun, and CEDRIC J. K. CHUN, husband of Pamela Leong Chun

GRANTEE: FRC WAIKIKI, LLC, a Delaware limited liability company

DATED: July 5, 2006

RECORDED: Document No. 2006-123512

END OF EXHIBIT A